



GAU 1815.

PATENT
USSN 08/441,443
Atty. Docket No. 0063.24

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Gyne Riser
Gyne Riser

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Houghton, et al.

Serial No.: 08/441,443

Filing Date: May 15, 1995

For: NANBV DIAGNOSTICS AND
VACCINES

Examiner: M. Zeman

Group Art Unit: 1815

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In addition to the Information Disclosure Statement Under 37 C.F.R. § 1.97 mailed to the PTO on April 11, 1997, the documents listed below may also be material to the examination of the above-identified application. Copies of the documents were previously submitted in a Supplemental Information Disclosure Statement dated November 27, 1996 directed to the related application Serial No. 08/306,472 and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609 (A)(2). The Examiner is requested to make these documents of record in the application. The documents include:

I.A. 163 Coursaget et al., US Patent 4,464,474 (1984).

This document was cited during prosecution of European Patent No. 0318216, Philippine Patent Application No. 37833 and U.K. Patent No. 2,212,511 each of which claim priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 164 Tabor et al., US Patent 4,395,395 (1983).

This document was cited during prosecution of European Patent No. 0318216, Philippine Patent Application No. 37833 and U.K. Patent No. 2,212,511 each of which claim priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 165 Ono et al., European Patent No. 0190972.

This document was cited during prosecution of Philippine Patent Application No. 40217 and Canadian Patent No. 2,012,482 each of which claim priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

I.A. 166 Petrovskis et al., "Use of Σ gt11 To Isolate Genes for Two Pseudorabies Virus Glycoproteins with Homology to Herpes Simplex Virus and Varicella-Zoster Virus Glycoproteins," J. of Immunology **60(1)**:185-193 (1986).

This document was cited during litigation of Australian Patent No. 624,105 which claims priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 167 Purcell, "Blood-Borne Non-A, Non-B Hepatitis," Update **2:2** (1988).

This document was cited during prosecution of European Patent No. 0318216 and U.K. Patent No. 2,212,511 each of which claim priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 168 Rice et al., "Molecular Cloning of Flavivirus Genomes for Comparative Analysis and Expression," Modern Trends in Virology, pp. 83-97 (1988).

This document was cited during litigation of Australian Patent No. 624,105 which claims priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 169 Geysen et al., "Strategies for epitope analysis using peptide synthesis," J. of Immunological Methods **102**:259-274 (1987).

This document was cited during opposition of Taiwanese Patent Application No. 79102799 which claims priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

- I.A. 170 Maynard et al., "Transmission of Non-A, Non-B Hepatitis by Blood Products and Plasma Derivatives," Non-A, Non-B Hepatitis Chapter 5, pp. 71-95 (1981).
- This document was cited during prosecution of Philippine Patent Application No. 40217 and Canadian Patent No. 2,012,482 each of which claim priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.
- I.A. 171 Tohmatsu et al., "AN6520 Ag: An Antigen Purified from Liver With Non-A, Non-B Hepatitis," J. of Medical Virology 15:357-371 (1985).
- This document was cited during prosecution of Philippine Patent Application No. 40217 and Canadian Patent No. 2,012,482 each of which claim priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.
- I.A. 172 Affidavit of H. Mario Geysen, Ph.D.
- This document was filed by Applicants during opposition of Taiwanese Patent Application No. 79102799 which claims priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.
- I.A. 173 Affidavit of Michael S. Urdea, Ph.D.
- This document was filed by Applicants during opposition of Taiwanese Patent Application No. 79102799 which claims priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.
- I.A. 174 Daniel W. Bradley v Chiron Corporation, Civil Action No. 94-4342, Order Granting Defendant's Motion to Strike Allegations from and to Dismiss Second Amended Complaint on July 15, 1996.
- I.A. 175 Daniel W. Bradley v Chiron Corporation, Civil Action No. 94-4342, Judgment filed on July 25, 1996.
- I.A. 176 Murex Opposition Bundle, which includes:
- In the Matter of Australian Patent Application No. 666576 (47506/93) in the name of Chiron Corporation and Opposition thereto by Murex Diagnostics Australia PTY Limited, Murex Statement of Grounds and Particulars.

PATENT
USSN 08/441,443
Atty. Docket No. 0063.24

In the Matter of Australian Patent Application No. 666767 (47505/93) in the name of Chiron Corporation and Opposition thereto by Murex Diagnostics Australia PTY Limited, Murex Statement of Grounds and Particulars.

In the Matter of Australian Patent Application No. 666766 (47504/93) in the name of Chiron Corporation and Opposition thereto by Murex Diagnostics Australia PTY Limited, Murex Statement of Grounds and Particulars.

Each of these three oppositions has now been withdrawn.

This Information Disclosure Statement is submitted within the three months of the filing of a request for transitional procedure under 37 C.F.R. §1.129(a). Accordingly, applicants believe that no fee is necessary. However, if the Examiner considers a fee to be required, an authorization to charge Deposit Account No. 03-1664 is included herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Respectfully submitted,

Dated: 21 November 1997

By:

Kenneth M. Goldman
Kenneth M. Goldman
Reg. No. 34,174

CHIRON CORPORATION
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097